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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. C.J.

Writ Petition (C) No.5033 of 2007

Petitioner
Plaintiff

Arun Kumar Dubey, S/o. late Shri Ravishanker Dubey, aged about 40 years, Sarvarakar, Bhagirathi Dubey Mandir, Nayapara, Raipur, Tahsil and District Raipur (C.G.)

Versus

Respondent
Defendant

Namdeo Barbudhey, S/o. late Shri Sravan Barbudhey, aged about 60 years, resident of Telipara, (behind Hanuman Temple) Golebazar Ward, Raipur, Tahsil and District Raipur (C.G.)

Writ Petition under Article 227 of the Constitution of India

Present: Shri K.A. Ansari, Senior Advocate with Shri S.I. Ali, counsel for the petitioner.

ORAL ORDER
(Passed on 20th August, 2007)

Heard.

This writ petition is directed against the order dated 05-02-2007 passed by Civil Judge, Class-II, Raipur, rejecting the application for temporary injunction and order dated 27-04-2007 passed by 12th Additional District Judge (FTC), Raipur in M.C.A. No.4/2007.

According to the petitioner, the construction under question is in violation of the rules. The petitioner has not availed the remedy available to him under Section 307 (5) of the Chhattisgarh Municipal Corporation Act. Interest of Justice would suffice if the petitioner avails remedy under the said provision.

With this observation the writ petition stands disposed of. Notice need not be issued to the respondent.

Sd/-
Acting Chief Justice